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BAY LAWMAKERS WANT CONGRESS CONSENT BEFORE IRAQ ATTACK CONSENT OF CONGRESS

By WANDA OCHOA

Bay Area members of Congress say they would like to see a new government in Iraq, but oppose American military action to replace the present one without the consent of Congress.

Answers to questions submitted by e-mail to 11 members of Congress from Petaluma to Carmel -- all Democrats -- showed rising concern that increasingly hostile Bush administration rhetoric could lead to unilateral military action against the government of Iraqi President Saddam Hussein without a stop for approval on Capitol Hill.

Although the majority of the delegation provided at least some kind of written answer to three questions posed by Bay City News Service, a few Bay Area legislators ended up not responding to the July 28 e-mail query, even though their press representatives said that they had strong and well developed feelings on the matter. The questions asked their views on "regime change," a preemptive strike for the purpose of accomplishing one, and the legal basis that might underlie any on Iraq.

At least eight signed a July 26 letter to Bush cautioning him that while "no uniform opinion exists among members of Congress as to whether military action is the right course to take ... both proponents and opponents of new military action against Iraq stand united in the belief that it is in the national interest of the United States" that Bush obtain congressional authorization before any such effort.

U.S. Rep. Mike Honda, D-San Jose, said in a detailed answer that because Iraq has not complied with its pledge to permit full access to its facilities by United Nations inspectors, U.S. officials are now in the "precarious situation of not knowing exactly what weapons" Iraq has.

"I believe it would be in the best interest of the U.S., our allies and the world if an Iraqi regime complied fully with the U.N. inspectors and proved that programs to build weapons of mass destruction are non-existent," Honda said. "Saddam Hussein has not shown an interest in accomplishing this mission." Honda added that even officials within the Bush administration disagree as to what kind of weapons the Iraqis have.

Honda said another important consideration in deciding about whether to conduct a military action against Iraq would be support from the international community, a concern also specifically cited by U.S. Rep. Lynn Woolsey, D-Petaluma.

"The U.S. must not engage Iraq militarily unless there is direct evidence of Iraq's involvement in terrorist activities," Woolsey said in response to the e-mail query.

"Anything less could destroy the international coalition to fight

terrorism and could significantly damage U.S. relations with countries in the Middle East, Europe, and Asia," Woolsey said. "Any action we take militarily should be done with the support of the international community," she said Friday.

Honda's statement, made days before Woolsey's and also before archconservative House majority leader Dick Armey, R-Texas, told reporters Thursday that an unprovoked attack against Iraq would violate international law and undermine world support for U.S. administration plans to replace the Iraqi government by force.

"Our government would need a clear mandate from the American public for preemptive action, a mandate that could only be developed if there was information showing that Saddam Hussein had weapons of mass destruction," Honda said. "The president should not take military action against Iraq without congressional authorization or a declaration of war as provided for by our Constitution."

U.S. Reps. George Miller, D-Martinez, and Ellen Tauscher, D-Alamo, agree that a replacement for the government of Iraqi President Saddam Hussein, whom the Iraqi legislature declared "president for life" in 1990, would in Miller's words be "good for all the parties concerned."

"The question of how you achieve that change, however, remains an open question," Miller cautioned nevertheless. "It is clear to me that whatever action the United States takes must be within the rule of law."

Tauscher spokeswoman April Boyd says Tauscher believes members of Congress should be consulted before any military action now being considered is taken, adding that Tauscher herself has no knowledge of whatever military plans are being made by the Bush administration at this point.

Bush has made no secret of his desire to remove Hussein, and in June he was widely reported to have already ordered the U.S. Central Intelligence Agency to start a comprehensive secret effort to overthrow the Iraqi government.

In a June 1 commencement speech at the U.S. Military Academy at West Point, N.Y., Bush said the United States should be ready to take "preemptive action" against regimes considered to be a threat. "If we wait for the threats to fully materialize, we will have waited too long," Bush told the cadets.

U.S. Rep. Anna Eshoo, D-Atherton, emphasized the need for evidence before undertaking military action, as well as consideration of the question of whether instigating an armed conflict might cause the very thing that it was intended to prevent.

"The President has made his support clear for a regime change, but has yet to give the American people or Congress the evidence that our country is immediately threatened by Iraq," U.S. Rep. Anna Eshoo, D-Atherton, said this week in her response.

"There must be a full and clear debate on many issues regarding any proposed regime change including the question, would military action precipitate the use of biological weapons rather than preventing their use,

and how would an attack affect regional stability."

Perhaps the strongest stand against U.S. military intervention in Iraq without advance authorization from Congress was taken by U.S. Rep. Sam Farr, D-Carmel.

"I could not conceive of the United States entering into any preemptive strikes for any reason," Farr said this week in his response to the query. "Nor could I condone such action without the express consent of Congress, as the Constitution requires."

To the question of whether a "regime change" in Iraq is in the best interest of all concerned, Farr replied that the United States should encourage "self determination and freedom" around the world, and he questioned whether under the present circumstances preemptive military action against Iraq can be legally justified at all.

"I would argue that there is no legal basis for such an action," Farr said.

U.S. Rep. Tom Lantos, D-San Mateo, the ranking member of the House International Relations committee and a vociferous Middle East hawk, said through a spokeswoman that he could not answer the three questions in less than "45 minutes to an hour." In addition, he said, that was time he could not spare until next week, three weeks after the questions were submitted to him. U.S. Reps. Mike Thompson, D-Napa, and minority whip Nancy Pelosi, D-San Francisco, did not respond to calls or e-mail regarding the inquiry.

Rep. Zoe Lofgren, D-San Jose, answered the inquiry with a copy of the July 26 letter, which bears her signature as well as that of Lantos. A spokesman for Rep. Pete Stark, D-Fremont, another signer of the letter who was targeted for criticism by conservatives after voting against a resolution condemning an appellate court decision on the Pledge of Allegiance, said Stark was very concerned about the matter, but later added that he was not available for comment on it.

Lofgren spokesman Steve Adamske said the South Bay politician's view is that if President Bush believes that the United States needs to enter Iraq with military action, "he needs to come to Congress first for authorization. "And in that authorization, he needs to lay out to the American people the reasons why, who's going to pay for this, the justifications for military action, the coalition that is with us or not," Adamske said.

As to the desirability of "regime change" as such, Adamske said, "I don't think there's a person in this country who doesn't think that the region would be better served by having Saddam Hussein removed from office."